S.B. Civil Writ Petition No.259/2005.

Date : 18.01.2005

Hon'ble Mr. Justice R.P.Vyas

Mr. D.S. Udawat for petitioner.
Mr. B.L. Tiwari, Dy. G.A. for the State-respondents.

Heard learned counsel for the petitioner.

Issue notice. Learned Deputy Government Advocate Mr. B.L. Tiwari accepts notice on behalf of all the respondents. Service is complete.

With the consent of learned counsel for the parties, the matter is finally heard and decided.

The petitioner has filed the instant writ petition stating, inter alia, that he is working on the post of Class IV employee with the Respondent-Department but he has not been paid regular pay-scale of class IV employee though he has completed three years' service as daily wage employee, whereas a number of similarly situated employees have been given regular pay-scale.

Learned counsel for the petitioner submitted that the petitioner has made a representation to the Respondent-Authority for extending same benefit of the regular pay-scale to him, but no attention was paid to his representation and the same is pending before the Respondent-Authority till today.

In alternative, learned counsel for the petitioner also submitted that Respondent Authority may be directed to consider the representation of the petitioner as early as possible.

Learned counsel for the respondents also submitted that the instant writ petition is squarely covered by the order dated 14.01.2005 passed by this Court in S.B. Civil Writ Petition No.271/2005.

Learned counsel for the respondents does not dispute the position. They both agree that the instant petition is squarely covered by the aforesaid writ petitions.

After perusal of the entire record and hearing learned counsel for the parties, in the interest of justice, I deem it just and proper to direct the competent-Authority to consider the representation of the petitioner. The petitioner is at liberty to file a fresh representation before the competent-Authority within a period of 15 days.

If such representation is filed by the petitioner, the competent-Authority shall decide the same within a period of two months from the date of receipt of a certified copy of this order and shall

pass a reasoned and speaking order, strictly in accordance with the law.

With these observations, the writ petition stands disposed of. No order as to costs.

(R.P.Vyas), J.